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FACT-FINDING AND RECOMMENDATION

(Pursuant to Section 25 of the Michigan Labor Mediation Act, Act No. 176, P.A. 1939, as amended, and Part 3 of the General Rules and Regulations of the Michigan Employment Relations Commission.)

In the Matter of:

GLADSTONE BOARD OF EDUCATION,
GLADSTONE AREA PUBLIC SCHOOLS,
GLADSTONE, MICHIGAN

-and-

GLADSTONE EDUCATION ASSOCIATION

REPORT OF FINDINGS,
CONCLUSIONS, AND
RECOMMENDATION

FACT-FINDER:

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Gladstone Board of Education

· November 21, 1973

I.

PROCEEDINGS

April, 1973	Negotiations initiated by the parties relative to a two year collective bargaining agreement to commence with the 1973-74 school year.
October 10, 1973	Petition for fact-finding filed with the Michigan Employment Relations Commission by the Gladstone Education Association (hereinafter referred to as "Association").
October 11, 1973	Answer by Gladstone Board of Education (hereinafter referred to as "Board") to petition waived, Fact-Finder appointed, and hearing ordered by the Michigan Employment Relations Commission.
October 23, 1973	Hearing scheduled by Fact-Finder for October 30, 1973, at Gladstone, Michigan.
October 30, 1973	Hearing convened at 7:00 P.M. in the public meeting rooms of the Gladstone State Bank, Gladstone, Michigan, at which were present: For the Board: Thomas L. Butch, Attorney at Law. Jack Bignall, Principal, Gladstone High School. Wesley Fleet, Superintendent, Gladstone Area Public Schools. For the Association: Harold L. Rouse, Executive Director, Region 17-B Michigan Education Association. Frank R. Bartol, Teacher. Alice M. Davis, Teacher. Dennis C. Harrison, Teacher. David J. Scherff, Teacher. Sharon A. Andersen, Teacher.

October 30, 1973	Briefs and exhibits filed, oral presentations entered, and hearing adjourned.
November 5, 1973	Post-hearing brief for Board received by Fact-Finder; right to post-hearing brief waived by Association.
November 21, 1973	Report of findings, conclusions, and recommendation issued.

II.

ISSUES IN DISPUTE

The primary issue presented for fact-finding in the instant dispute is (a) whether supervision of study halls and similar direct responsibility for large groups of students shall be considered one of the five daily student-contact periods which would appear to be standard teaching work load at the secondary level throughout the Michigan public school system, or (b) whether study hall and similar assignments shall be required as an addition to the standard five student-contact periods.

A collateral economic issue also is presented by the petition for fact-finding, in that a \$50 differential at each level of the last salary schedule offer was proposed as a "trade off" by the Association and has been discussed by the parties. However, no argumentation relative to this issue was introduced by either party during the hearing.

III.

FINDINGS AND CONCLUSIONS

Background of the Dispute

Prior to the 1971-72 school year, the Gladstone Area Public Schools operated at the secondary level in a six period teaching day, plus a single separate lunch period. Each period was fifty-five minutes in duration, and an additional five minutes were allocated for passing-time. The collective bargaining agreement in effect at that time provided that the normal teaching load should be not more than twenty-five teaching periods per week, thus permitting each teacher five unassigned preparation periods per week. Certain assignments involving direct student supervision, such as study halls, detention room, and the like were counted among the twenty-five teaching periods.

With the beginning of the 1971-72 school year, the combined impact of a general increase in school population together with an influx of students resulting from the closing of the Holy Name High School in Escanaba increased secondary level enrollment in Gladstone from a previous count of 856 to 1070 students. The physical facilities of the school district were extended to their limits, and major problems in curriculum arrangement and teacher assignment confronted the Board and its administrators. Projections of probable future enrollments indicated that secondary school population would continue at approximately the same higher levels at least for several years.

In order to provide greater flexibility in space utilization and curricular options in this emergency, an eight-period day was proposed and adopted. A lunch period was staggered between two of the periods, thus leaving a seven-period teaching day. Each period was fifty minutes in duration, and an additional five minutes were allowed for passing-time. This schedule created a slightly longer working day overall, but it doubled the number of unassigned preparation periods for each teacher, from five per week to ten per week. The original proposal by the Board would have staggered the starting times for the teachers, thus permitting each teacher to be present only six periods as before, but the teachers themselves voted that all should be present throughout the entire day.

To further cope with the emergency, the Board and the Association made informal arrangements outside the contract then in force to restrict the twenty-five student-contact periods contractually required of each teacher specifically to academic teaching, and to assign each teacher responsibility for certain additional student supervision duties, including study hall supervision, for another period each day. It appears to have been understood by both the Association and the Board that this was to be an emergency short-term arrangement; and that a different long-term program would be developed subsequently as additional staff could be acquired.

Accordingly, beginning with the 1972-73 school year, the flexible eight-period administrative day and seven-period teaching day was retained, but the teaching schedule reverted to the previous arrangement, in which study hall supervision, when assigned, once again was included among the twenty-five contractual student-contact periods per week. However, this year each teacher devoted one period per week to administrative activities such as hall monitoring, etc., in lieu of one of the unassigned preparation periods.

In March, 1973, the high school principal met with the secondary teachers to discuss the possibility of establishing study hall supervision on a voluntary and extra-compensation basis under the Contract Schedule "B". Shortly thereafter, he met with the faculty council to discuss extra compensation under Schedule "B" for supervision of study halls, detention room, and gymnasium areas during lunch periods.

Negotiating Position of the Board

However, when negotiations pursuant to the new collective bargaining agreement for the years 1973-74 and 1974-75 began in April, 1973, the Board proposed that six student-contact periods per day be required of each teacher, which would consist in most instances of five academic class periods plus one non-academic period involving direct student supervision. The rationale advanced appears to have been that, since each period is five minutes shorter in the seven-period teaching day than it was in the former six-period day, little increase in actual student-contact

time would be involved in the increased number of student-contact periods.

During the course of nine months of negotiating, the Board has modified its demand to provide for five academic student-contact periods per day, but only an average of one-half period per day of non-academic student-contact duties, which would include study hall type student supervision. Certain teachers involved in laboratory or applied technology types of course would be allowed by mutual consent to teach additional academic periods instead. Also, the Board agreed to a proposal by the Association for establishment of a mixed faculty-administrator-Board study committee which would review the teacher scheduling problem further and advise the Board prior to end of the 1973-74 year.

Negotiating Position of the Association

The Association, when discussions concerning this issue began in April, 1973, took the position that the pattern of the year 1972-73 should be continued. This pattern again would require that any assignment of study hall types of student supervision be one of the five daily student-contact periods for each teacher. It would provide for assignment to each teacher only administrative duties excluding study hall, detention room, or lunch period gymnasium areas for one period per week.

The Association also has modified its position on the issue. It now concedes an average of one-half period per day, or 25% of the former unassigned preparation periods, to non-academic student-contact tasks such as corridor monitoring and the like, provided that such assignments would exclude study hall type assignments and would maintain the principle of duty free lunch periods. Under the Association's proposal, supervision of study halls and similar assignments would need to be a substitute for one of the five daily academic student-contact periods. The Association also offered to accept a salary schedule \$50 lower than the last Board offer to assist the school district in meeting its financial problems. The Association urges further that the already accomplished elimination of first period study hall and the possible elimination of fifth and sixth period study halls would appreciably reduce the problem.

Present Status of the Parties

During the course of negotiations, various alternatives appear to have been considered, such as voluntarism and extra compensation for study hall types of student-contact assignment. However, such considerations were not productive of solutions and seem to have led to little but confusion. Two meetings were held with the guidance of a Mediator provided by the Michigan Employment Relations Commission. Both sessions produced a compromise proposal, but in each instance it was rejected by vote of the Association's constituents by substantial margins. The general provisions of the final proposal, rejected on October 8, 1973, corresponded substantially with the present negotiating position of the Board.

When no new collective bargaining agreement was concluded by the parties prior to opening of school for the 1973-74 year, the Board unilaterally imposed a schedule corresponding essentially to its original bargaining demand, and the teachers are now working on that basis. This schedule consists of five academic student-contact periods plus one non-academic student-contact period per day for most teachers. A few teachers with various unique teaching situations were assigned six academic periods per day.

Conclusions

Any realistic view of this impasse necessarily must take into account (a) the nature of the teaching process and of teacher-student relationships in the public schools, (b) public school teaching schedule patterns prevalent in the Upper Peninsula and in the State of Michigan generally, and (c) the restricted financial and administrative alternatives available to the Gladstone Area School District. Unfortunately, only the last of these factors can be evaluated quantitatively.

Reference to the final bargaining positions of the parties demonstrates that the present proposals of Board and Association are identical in terms of teacher time allocation. Both parties propose a daily schedule consisting of five student-contact periods, one-half of a period devoted to student monitoring of some sort, one and one-half preparation periods, and one lunch period. The only present difference is that the Board maintains that all non-academic student-contact duties should be assigned as an addition to the five daily academic student-contact periods. The Association maintains that the more intensive non-academic

student-contact responsibility such as study halls, detention rooms, and lunch hour gymnasium areas must be assigned in lieu of one of the five academic periods.

Much argumentation has been devoted by both parties to comparisons among public schools in this geographic region of the precise number of minutes of direct student-contact by teachers and the precise hours and minutes of total time in a teacher's work day. The essential nature of the public school teaching process, however, clearly is that no part of the teaching day is totally devoid of teacher contacts with students. Every passing-time involves hall discipline problems for which every teacher must in part be responsible. Teacher preparation time inevitably is affected by spontaneous individual student consultations. Obviously, a teacher concerned with a preparation period is not apt to be "loafing." It is equally obvious that some student-contact work is more emotionally and physically demanding than other work, and that if preparation time is not allocated for the teacher during school hours then it must be accomplished in personal time or not at all. Suffice it to say that the evidence presented shows that the Gladstone secondary level teacher's day is one of the longer in this region, and that time in direct student-contact is not the lowest in the region. The Fact-Finder is compelled to conclude that such time comparisons are inconclusive of the essential issue.

The Board emphasizes that the fifty-five minute periods of the former six-period day are now shortened to fifty minutes, thus saving each teacher twenty-five minutes per day in classroom student-contact, which is approximately the time which the Board now asks for study hall supervision and like tasks. However, externally imposed Michigan educational standards require the same academic content in fifty minute classes as was required in the former fifty-five minute classes. The Association points out that there is no change in quantity or quality of preparation, number of students, number of papers to correct, and the like. The Fact-Finder concludes that any differences in teacher work load resultant from class shortening are inconsequential.

The Association contends that supervision of study halls is a more than usually difficult and tiring assignment, and must be equated with classroom assignments in terms of difficulty and responsibility. Substantial evidence is offered to show that with negligible exceptions a pattern of interchangeability between classroom and study hall assignment is observed throughout the Upper Peninsula. There are, of course, many variations. Some school districts

use a state-authorized school year formula which permits omitting study halls altogether (but which, unfortunately, is impractical in the Gladstone Area school situation). A few schools employ para-professionals for study hall supervision, corridor monitoring, and the like. However, where study hall supervision is assigned to teachers the almost uniform practice is to make such assignments interchangeable with academic classroom assignments, and the standard of five such assignments per day clearly prevails throughout the Upper Peninsula and the State of Michigan. The Fact-Finder must conclude that a pattern which is the accepted general standard is equitable also for the Gladstone Area School District. It is a matter of record in the instant hearing that this standard was observed by the Board prior to the 1971-72 school year, and again during the 1972-73 school year. If such a standard was equitable then, it is equitable now.

The Board's situation obviously is demanding of sympathy. Faced with the need to meet financially an abrupt increase of almost 25% in school enrollment, in a geographic area where the possibility of school operating millage increases is at best dubious, the appeal of gaining at no additional cost the equivalent of between three and five additional teachers merely by requiring that study halls and similar administrative assignments be accepted as an extra work load beyond the five daily academic periods, is obvious. The fallacy, in the view of the Fact-Finder, is that the teaching process is quite different from most other occupational activities. It is an emotionally demanding profession, and there is a very real limitation on the number of periods in which a teacher can handle direct student-contact with full effectiveness and enthusiasm. Michigan schools seem to agree that this limit is five periods daily.

Try as he will, the Fact-Finder can find no justification for asking the members of the Association to subsidize the school district financially over the long-term at the cost of some part of their teaching effectiveness. They did so voluntarily during the emergency presented during the 1971-72 school year. To continue the practice involuntarily now would be an abuse of the Association's past cooperativeness.

IV.

RECOMMENDATIONS

The Fact-Finder recommends, on the basis of the above findings and conclusions, as follows:

- (1) That, where study hall or other types of intensive student supervision are assigned to teachers, such assignments be in lieu of one of the five academic class periods required daily of each teacher.
- (2) That the Board accept the offer by the Association to agree to a \$50 reduction in the Board's last salary schedule offer to assist in financing the addition of either more teaching staff or para-professionals.
- (3) That the Board study the possibility of discontinuing the fifth and sixth period study halls in addition to the already discontinued first period study hall.
- (4) That the Board accept the offer by the Association of an average of one-half period per day of administrative duty by each teacher, excluding study hall types of assignment and maintaining the principle of duty free lunch periods.
- (5) That the Board study the possibility for the future of employing para-professionals for many if not all of the non-academic or monitoring types of student supervision, in order to avoid both the cost and the inefficiency of teacher assignment to such tasks.

The proposed study committee is collateral to the principal issue, and the Fact-Finder takes no position on it, other than to wonder how another ad hoc committee can resolve in greater degree a group of problems that have defied resolution during eight months of collective bargaining and two mediated negotiating sessions.

Respectfully submitted,

William E. Barstow, Jr.
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Fact-Finder